

MEMORANDUM OF AGREEMENT
BETWEEN
THE DELAWARE DEPARTMENT OF TRANSPORTATION, OFFICE OF STATE
PLANNING COORDINATION, DELAWARE DEPARTMENT OF AGRICULTURE,
NEW CASTLE COUNTY, THE APPOQUINIMINK, COLONIAL AND SMYRNA
SCHOOL DISTRICTS, THE TOWN OF MIDDLETOWN, THE TOWN OF ODESSA,
THE TOWN OF TOWNSEND, AND THE WILMINGTON AREA PLANNING
COUNCIL
FOR
THE COMPREHENSIVE PLANNING OF LAND DEVELOPMENT,
INFRASTRUCTURE AND SERVICES IN SOUTHERN NEW CASTLE COUNTY

WHEREAS, over the next twenty five years, there are an additional 42,690 people, and 15,322 households expected to locate within the 190 square mile area bound by the State of Maryland, Kent County (Delaware), the Chesapeake and Delaware Canal, and the Delaware River, known as Southern New Castle County (SNCC); and

WHEREAS, this growth is expected to cost at least 770 million dollars in transportation investment and a minimum of 100 million dollars in sewer investment over the next twenty years, and \$380M to support 11,500 new students in three school districts over the next ten years; and

WHEREAS, the existing, approved, and anticipated development in Southern New Castle County (SNCC) can be accommodated most efficiently and effectively if the several units of responsible government plan, program, construct, and coordinate land use policies and regulations, roads, water, sewer, and other public facilities collaboratively and cooperatively in the interest of promoting optimal use of both limited land and fiscal resources, minimizing impacts to environmental and cultural resources, while ensuring that the supply of key services matches the demands; and

WHEREAS, the Delaware Department of Transportation (DelDOT), the Office of State Planning Coordination (OSPC), Delaware Department of Agriculture (DOA), New Castle County, (the County), the Appoquinimink, Colonial, and Smyrna School Districts (collectively the School Districts), the Towns of Middletown, Odessa, and Townsend (collectively the Towns), and WILMAPCO have statutory responsibilities to coordinate, plan, program, fund, design, construct or maintain the infrastructure, and for land use policies and public facilities and services that support development; and

WHEREAS, the purpose of this Memorandum of Agreement (MOA) between DelDOT, OSPC, DOA, the County, the School Districts, the Towns, and WILMAPCO is to establish a cooperative process for ascertaining, evaluating, coordinating, and implementing infrastructure improvements necessary to assure the responsible use of fiscal resources, encourage the development of more livable communities, and provide for sustainable economic development; and

WHEREAS, DelDOT is expecting to complete the alternatives analysis for alignment for US 301, an important component of the transportation infrastructure, by fall 2006, which will aid in determining what is needed as part of the development of a local road improvements plan; and

WHEREAS, the County is updating the County Comprehensive Plan for certification in early 2007, in addition to evaluating wastewater disposal alternatives in the Southern Sewer Service Area by fall 2007 ; and

WHEREAS, the School Districts are implementing their ten year Comprehensive Building Plans, and are required to complete site acquisition, detailed cost estimates, attain state approval and pass referendums prior to beginning construction in a market where construction costs rise unpredictably, and the growth in SNCC is anticipated to have secondary impacts throughout the districts; and

WHEREAS, the Towns have individual comprehensive plans recently completed or being updated in 2006; and

WHEREAS, WILMAPCO is updating its Regional Transportation Plan for adoption by early 2007; and

WHEREAS, the State, County, School Districts, Towns, and WILMAPCO need a cohesive process, plan and program, including a common set of current and accurate data, in order to provide necessary infrastructure and services; and

WHEREAS, this MOA is intended to provide the framework by which DelDOT, OSPC, DOA, the County, the School Districts, the Towns, and WILMAPCO with the participation of other appropriate agencies, will collectively develop a Master Plan (the Plan) to include future land use and infrastructure plan elements for Southern New Castle County.

WHEREAS, the OSPC coordinates and advocates the positions and viewpoints of all state agencies, such as the Departments of Agriculture, Education, and Natural Resources and Environmental Control, DelDOT, and the Delaware Economic Development Office for purposes of planning; and

NOW, THEREFORE, BE IT RESOLVED that DelDOT, OSPC, DOA, the County, the School Districts, the Towns, and WILMAPCO agree:

1. To work cooperatively through the planning process that will produce a comprehensive regional master plan to include land use policies and the transportation, sewer and other community facilities plans needed in order to best accommodate future growth in SNCC.
2. To continually inform duly elected members of the General Assembly, County Council, Town Councils, and School Boards, involving each to the extent that the respective elected members so desire.

3. To work cooperatively and coordinate these planning efforts with the State Agencies through OSPC, Delaware Greenways, the Water Resources Agency, the Volunteer Fire Companies located in SNCC, the Town of Smyrna, and the Town of Clayton.
4. To thoughtfully incorporate the State Resource Areas, in accordance with the Delaware Land Protection Act, into the land use policies, in addition to recognizing and maintaining existing protection levels for vital resources.
5. To designate appropriate land at sufficient levels and densities to support employment growth and promote sustainable economic development.
6. To work cooperatively and coordinate these planning efforts to ensure that property owners, residents, business owners, developers of proposed developments in the project area, other interested parties, and the general public have an opportunity to participate in the development of the Plan, including jointly conducted public information sessions where appropriate.
7. To individually and collectively incorporate the Plan recommendations into the Comprehensive Plans of the County and the Towns, the WILMAPCO Regional Transportation Plan, DelDOT's Transportation Plan, School District Comprehensive Building Plans, the State Strategies for Policies and Spending, and additional State plans or programs as appropriate.
8. To institutionalize a process for continual communication and monitoring of Plan implementation that includes regular information sharing, developing a set of indicators for the timing of new infrastructure investment, and acting on such indicators in order to provide the infrastructure when needed.
9. To collectively and individually coordinate legislative and funding priorities and decisions based on plan recommendations, recognizing that these priorities must be established within the context of statewide plans and programs.

10. To work jointly with property owners and developers to obtain funding for necessary infrastructure, right-of-way dedications or reservations, or acquire land when required consistent with the recommendations of the Plan.
11. To collectively develop and execute necessary recoupment agreements and other financial mechanisms to cover costs associated with infrastructure investments, which may include DelDOT, local governments and developers as appropriate.
12. To designate, through the Secretary of Transportation, the New Castle County Executive, the School Superintendents, the Director of OSPC, the Mayors of the Towns, and the Executive Director of WILMAPCO, the appropriate staff members with responsibility to participate in and successfully execute the provisions of this Memorandum of Agreement and any amendments or additions agreed to by the signatories.
13. To develop and refine a scope of work for consultant services to implement the provisions of this MOA, create a selection committee composed of signatories or their designees to evaluate potential consultants, and pool the funding sources needed for such services.
14. To designate the County as the lead agency for overall project management with the ability to enter into agreements individually or collectively with the other signatories.
15. To review the provisions outlined within the Memorandum of Agreement annually beginning one year from the date affixed by the signatures below.

This document was signed by the following persons on Wednesday, September 27, 2006:

Christopher A. Coons

New Castle County Executive

Carolann Wicks

Secretary of Transportation

Constance C. Holland

Director, Office of State Planning Coordination

Tony Marchio

Superintendent, Appoquinimink School District

George H. Meney

Superintendent, Colonial School District

Deborah D. Wicks

Superintendent, Smyrna School District

Kenneth Branner, Jr.

Mayor, Town of Middletown

Kathleen Harvey

Mayor, Town of Odessa

David R. Raughley

Mayor, Town of Townsend

Tigist Zegeye

Executive Director, WILMAPCO